

NO. 13-20-00143-CV

IN THE COURT OF APPEALS
THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI, TEXAS

FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS
5/8/2020 11:51:13 AM
KATHY S. MILLS
Clerk

DIANA GARZA, Appellant
v.
JOSE OCHOA, Appellee

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S BRIEF**

TO THE HONORABLE COURT OF APPEALS:

NOW COMES Diana Garza, Appellant, and pursuant to Texas Rules of Appellate Procedure 10.5(b) and 38.6(d), files this Unopposed Motion to extend the time to file her Appellants' Brief herein. This is Appellant's first request for extension of time to file her Appellants' Brief.

I.

Appellants' Brief is currently due on May 20, 2020.

II.

Despite counsel's diligent efforts to complete briefing in this case, Appellant now seeks a 30-day extension of time within which to file her Appellant's Brief,

which would make the Brief due on June 20, 2020.

III.

Appellant relies on the following facts as a reasonable explanation for the requested extension of time. Appellant's counsel, in addition to other matters and to preparing an Appellant's Brief in this case, has also had to devote time to the following additional matters:

A. The undersigned is counsel for the defendant in *Gravelly v. Bass*, Cause No. CV-19-1873 pending in the 397th District Court of Grayson County. The undersigned has been diligently preparing for a mediation on May 12, 2020 and a trial on June 8, 2020.

B. The undersigned is counsel for the plaintiff in *Ukpong v. City of Arlington* in Cause No. 48-315819-20 pending in the 48th District Court of Tarrant County and has been diligently responding to written discovery which is due on May 21, 2020 and preparing to respond to a plea to the jurisdiction which is expected to be filed.

C. The undersigned is counsel for the plaintiff in *Kenneth Hoppenrath v. State Farm Mutual Automobile Insurance Company* in Cause No. 2020-002586-3 pending in the County Court at Law No. 3 in Tarrant County and has been diligently responding to written discovery which is due on June 1, 2020.

D. The undersigned is lead counsel for the plaintiff in *Palazzolo v. Ft. Worth Independent School District* in Cause No. CV12-07-438, pending in the 271st District Court of Wise County. The Supreme Court of Texas recently denied the defendant's petition for review and on April 16, 2020 a mandate was issued remanding the case to the trial court for trial. The undersigned was not the original attorney who tried the case and has had to spend an enormous amount of time reviewing thousands of pages of depositions, trial transcript, and documents to prepare for trial.

E. On May 22, 2020 undersigned will be moving to Colorado, where he is also licensed to practice law, and has had to spend a great deal of time preparing for the move.

F. The undersigned is a solo practitioner with no support staff or associate attorneys to whom any of the above-listed tasks or any work on the Appellants' Brief herein may be delegated.

G. Due to the current COVID-19 crisis, the undersigned will be forced to work from home for the foreseeable future. This will seriously impact the efficiency with which this 66-year-old lawyer can work on appellate briefs and pretrial matters. The Texas Supreme Court has repeatedly ordered that Motions for Extension of Time should be "generously granted" during this time.

IV.

The undersigned has conferred with opposing counsel, who does not oppose this request. Therefore, it is presented as an Unopposed Motion.

WHEREFORE, Appellant respectfully prays that this Court grant this Motion for Extension of Time.

Respectfully submitted,

/s/ Randall E. Turner

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ATTORNEY FOR APPELLANT

CERTIFICATE OF CONFERENCE

Randall E. Turner, lead counsel for Appellant herein, states that he has conferred with Counsel for Appellee, Ms. Sandra Sterba-Boatwright, concerning the merits of the foregoing Motion for Extension of Time to File Brief. Ms. Sterba-Boatwright has stated that she is not opposed to the 30-day extension of time requested herein.

/s/ Randall E. Turner

Randall E. Turner

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Agreed Motion for Extension of Time to File Appellant's Brief was served upon Jose Ochoa, by serving his attorney, Sterba-Boatwright, in accordance with the Texas Rules of Appellate Procedure, this 8th day of May, 2020, by e-service through the e-File Texas service.

Ms. Sandra Sterba-Boatwright
P.O. Box 2624
Corpus Christi, Texas 78403
(361) 888-5551

/s/ Randall E. Turner

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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